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June 30, 2003

Commissioner of Patents  
U.S. Patent and Trademark Office  
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Customer Window, **MS Patent Application**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

\*ADMITTED TO D.C. BAR; D.C. PRACTICE OF  
ALL OTHERS LIMITED TO FEDERAL COURTS  
AND AGENCIES

Re: Continuation Patent Application  
(Division of U.S. application no. 09/471,803)  
Appl. No.: to be assigned  
Filed: herewith  
For: **Nucleotide Sequences Coding for the Export  
of Branched-Chain Amino Acids, Process for  
the Isolation Thereof and Use Thereof**  
Inventor(s): Kennerknecht, *et al.*  
Atty. Dkt.: 7601/80525

Sir:

The following documents are being forwarded herewith for appropriate action by the U.S.  
Patent and Trademark Office:

1. A true copy of application no. 09/471,803, as filed in the U.S. Patent  
and Trademark Office on December 23, 1999, and naming as  
inventors:

Nicole Kennerknecht  
Hermann Sahn  
Lothar Eggeling  
Walter Pfefferle

the application comprising:

32 pages of specification (numbered as pages 1-32),  
4 pages of claims (numbered as pages 33-36),  
a one page abstract (numbered as page 37), and  
1 sheet of drawings (labeled as Fig. 1);

2. A copy of the originally executed Declaration (37 C.F.R. § 1.63) and Power of Attorney filed in the parent application (3 pages);
3. A copy of the certified English Translation of the application (42 pages);
4. Preliminary Amendment (4 pages) with one sheet of formal drawings attached;
5. Amendment to Comply with Sequence Listing Rules (7 pages) with 7 pages of Substitute Sequence Listing attached;
6. A 3.5 inch computer diskette containing a computer readable form of the Sequence Listing;
7. Information Disclosure Statement (2 pages);
8. Form PTO-1449, List of References Cited by Applicant (1 page);
9. A copy of the originally executed and recorded Assignment to Degussa-Huls Aktiengesellschaft and Forschungszentrum Julich GmbH filed in the parent application (4 pages); and
10. Two (2) return postcards.

This application is a division of U.S. application no. 09/471,803 filed December 23, 1999, claiming priority to German application no. 199 51 708.8, filed on October 27, 1999.

The entire disclosure of the prior applications, from which an oath or declaration is being supplied herewith in copy form, is considered a part of the disclosure of the accompanying divisional application and is hereby incorporated by reference.

In accordance with the requirements of 37 C.F.R. § 1.53(b), the present divisional application is being filed under the conditions specified in 35 U.S.C. § 120. The inventors named on this divisional application are the same as the inventors named on the parent, and the application is being filed before the patenting, or abandonment of, or termination of proceedings of the parent application (09/471,803).

Applicants hereby request that the certified English translation of the application submitted herewith be used during prosecution.

We are submitting an Information Disclosure Statement which cites references originally submitted in connection with the parent application, U.S. 09/471,803. The present application relies upon 09/471,803 for priority under 35 U.S.C. § 120. Thus, in accordance with 37 C.F.R. § 1.98(d), copies of the listed references are not being submitted. If, for any reason, the Examiner cannot locate a listed reference, Applicants will be happy to submit a copy as a courtesy.

#### **Fee Calculation**

Applicants calculate the filing fee is as follows:

|                                      | <b>Total</b> |            | <b>No.<br/>Extra</b> | <b>Rate</b>      | <b>Fee</b>         |
|--------------------------------------|--------------|------------|----------------------|------------------|--------------------|
| <b>Basic Filing Fee</b>              |              |            |                      |                  | <b>750.00</b>      |
| <b>Total Claims Fee</b>              | <b>44</b>    | <b>20=</b> | <b>24</b>            | <b>\$ 18.00</b>  | <b>432.00</b>      |
| <b>Independent Claims Fee</b>        | <b>1</b>     | <b>3 =</b> | <b>0</b>             | <b>\$ 84.00</b>  | <b>0.00</b>        |
| <b>Multiple Dependent Claims Fee</b> |              |            |                      | <b>\$ 280.00</b> | <b>280.00</b>      |
| <b>TOTAL FEES DUE</b>                |              |            |                      |                  | <b>\$ 1,462.00</b> |

The Commissioner is hereby authorized to charge the above-listed fees to our Deposit Account No. 16-1135 under Order No. 7601/80525. The Commissioner is further authorized to charge any fee deficiency or credit any overpayment to our Deposit Account No. 16-1135 under Order No. 7601/80525.

Commissioner of Patents  
June 30, 2003  
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It is respectfully requested that the enclosed postpaid postcards be stamped with the serial number and the date the enclosed documents are received by the PTO and that they be returned as soon as possible.

Respectfully requested,

FITCH, EVEN, TABIN & FLANNERY

A handwritten signature in black ink, reading "Michael A. Sanzo". The signature is written in a cursive style with a large, stylized 'M' and 'S'.

Michael A. Sanzo  
Reg. No. 36,912  
Attorney for Applicants

MAS:ct  
Enclosures